

produced should encourage every sufferer from incipient membranous lung disease * * * no such sufferer should feel in the least discouraged about his or her condition, if Lung Germine has yet to be tried. * * * If you are suffering from lung * * * trouble that has not passed the incipient stage * * * you are using the best medicine known for such afflictions when you use Lung Germine. * * * consumption * * * What To Do For Persistent Night Sweats Night sweats are a commonly recognized symptom of tuberculosis * * * Consumption * * * tuberculosis * * * tubercle bacilli * * * germs of tuberculosis * * *," (other languages) "Lung Germine for chronic lung * * * affections * * * Lung Germine for chronic lung or bronchial diseases. * * *"

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of sulphuric acid, alcohol, and water, with small amounts of material derived from cod liver oil, iron sulphate, and spices.

Misbranding of the article was alleged in substance in the libels for the reason that the above-quoted statements appearing in the labels and printing on the bottles and cartons and in the accompanying booklets, regarding the curative and therapeutic effects of the said article, were false and fraudulent in that the article contained no ingredient or combination of ingredients capable of producing the curative and therapeutic effects claimed in the said statements.

On September 17, 1921, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9998. Adulteration and misbranding of olive oil and salad oil. U. S. * * * v. 36 One-Gallon Cans of a Product Purporting to be Olive Oil and 44 One-Gallon Cans of Alleged Salad Oil. Default decrees of condemnation and forfeiture. Products delivered to the Salvation Army for consumption and not for sale. (F. & D. Nos. 15275, 15291. I. S. Nos. 6237-t, 15411-t. S. Nos. E-3491, E-3518.)

On July 28 and August 1, 1921, the United States attorney for the Southern District of New York, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 36 one-gallon cans of a product purporting to be olive oil and 44 one-gallon cans of alleged salad or vegetable oil, remaining unsold in the original unbroken packages at New York, N. Y., alleging that the articles had been shipped by the Littauer Oil Co., Guttenberg, N. J., on or about July 6 and June 17, 1921, respectively, and transported from the State of New Jersey into the State of New York, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended.

Adulteration of the articles was alleged in the libels for the reason that cottonseed oil had been mixed and packed with, and substituted in part for, the said articles, and for the further reason that they were mixed in a manner whereby inferiority was concealed.

Misbranding was alleged in substance for the reason that the statements, to wit, " * * * Olivolo * * * Olio per Insalata Come L'Olio D'Oliiva * * * A Pure Salad Oil Blended With Olive Oil * * * Il Olivolo 'Olio' Viene Estratto Da Vegetali Di Prima Qualita Con Metodi Perfezionati E'Iginici E'Perfettamente * * * E'Salutifero Per Eccellenza * * * La Marca * * * Olivolo * * * Il Olivolo 'Olii' * * *," together with the design and device consisting of a draped flag, in regard to the Olivolo brand oil, and the statement, to wit, "Blended with Pure Olive Oil * * * One Gallon,"

in regard to the Joan of Arc brand oil, borne on the respective labels of the cans containing the articles, regarding them and the ingredients and substances contained therein, were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the said articles were imitations of, and were offered for sale under the distinctive names of, other articles. Misbranding was alleged with respect to the Olivolo brand oil for the further reason that it purported to be a foreign product when it was not. Misbranding was alleged with respect to the Joan of Arc brand oil for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On November 2, 1921, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the labels be obliterated from the respective products and that they be delivered to the Salvation Army at their headquarters in New York, N. Y., for consumption and not for sale.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9999. Adulteration and misbranding of table oil. U. S. * * * v. 37 Cans of * * * Table Oil * * *. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 15295. I. S. No. 8497-t. S. No. E-3525.)

On August 2, 1921, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 37 cans of table oil, consigned on or about July 2, 1921, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by Gamanos & Booskos, New York, N. Y., and transported from the State of New York into the State of Maryland, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended.

Adulteration of the article was alleged in the libel for the reason that cottonseed and other oils had been mixed and packed with, and substituted wholly or in part for, the said article, and for the further reason that it was mixed in a manner whereby its inferiority was concealed.

Misbranding was alleged in substance for the reason that the following statement appeared on the label of the can containing the said article, to wit, "Finest Quality Table Oil * * * Termini Imerese * * * Net Contents One Gallon," together with the design or device showing natives gathering olives from an olive tree. Misbranding was alleged for the further reason that the article purported to be a foreign product when not so; for the further reason that it was an imitation of, and was offered for sale under the distinctive name of, another article; and for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On October 1, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be relabeled and sold by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10000. Misbranding of green peas. U. S. * * * v. Buffalo Vegetable Marketing Co., a Corporation. Plea of guilty. Fine, \$25. (F. & D. No. 14543. I. S. No. 3632-t.)

On July 12, 1921, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the